

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
V.	§	Criminal No. 3:17-cr-169
SAID AZZAM MOHAMAD RAHIM	§	Judge Jane J. Boyle

**DEFENDANT SAID AZZAM MOHAMAD RAHIM'S MOTION FOR HEARING
PURSUANT TO FEDERAL RULE OF EVIDENCE 702**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now the Defendant, SAID AZZAM MOHAMAD RAHIM, by and through undersigned counsel and files this his Motion for Hearing Pursuant to Federal Rule of Evidence 702, asking the Court to order the United States Government not to sponsor any testimony from Lorenzo Vidino, Ph.D./J.D. or allow him to offer any evidence until such time as a hearing outside the presence of the jury can be held to determine the admissibility of his purported testimony, evidence, and opinions.

I.

On March 28, 2019, The Government filed their Notice of Expert Witnesses or Witnesses with Expertise [Doc. 82] in which they give notice, Pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G) that they intend to offer testimony in its case-in-chief from Lorenzo Vidino, who would be classified as an "expert witness" under Federal Rules of Evidence 701, 702, 703 or 705. In their notice, the Government states that Dr. Vidino will testify regarding:

the history and establishment of the Islamic State of Iraq and al-Sham (ISIS) and other related Foreign Terrorist Organizations (FTOs); geo-political changes and developments in the Middle East

as it relates to the development and presence of FTOs; methods by which ISIS attempted to establish the “Caliphate,” ISIS’s territorial gains and losses in the Middle East; ISIS’s structure and leadership; ISIS’s messaging, propaganda, and recruitment; ISIS’s use of the Internet, social media, and publications for recruitment; online radicalization of individuals; ISIS’s recruitment and mobilization patterns; terms of art used by ISIS and by other extremists; ISIS’s strategies for expansion; and ISIS’s role and influence in terrorist attacks around the world.

See Gov’t Expert Notice at 2.

However, the notice is silent as to what opinions, if any, Dr. Vidino intend to offer as they relate specifically to the case against Mr. Rahim. Nor does their notice indicate what specific case materials, if any, Dr. Vidino reviewed to arrive at these opinions. While Dr. Vidino’s curriculum vitae lays out his education and background into terrorism *generally*, it is unclear what actual opinions he may offer at trial that will assist the jury in their goal of finding the facts relevant to the charges being brought by Mr. Rahim *specifically*. At the time of filing and without a hearing outside of the presence of the jury to probe Dr. Vidino’s opinions, it is impossible for counsel for Mr. Rahim to determine if those opinions would be objectionable.

Therefore, prior to Dr. Vidino being allowed to testify, Defendant requests a hearing outside of the presence of the jury, pursuant to Federal Rule of Evidence 702 to determine specifically what opinions Dr. Vidino intends to offer and to determine the admissibility of those opinions.

III.

WHEREFORE, Defendants respectfully prays that their Motion for Hearing Pursuant to Federal Rule of Evidence 702 be granted. Further, Defendant respectfully prays that the Court instruct the government not to sponsor any of the above testimony or evidence from this witness

until such time as a hearing is held outside the presence of the jury to determine the admissibility of such testimony and evidence.

Respectfully submitted,

WHALEN LAW OFFICE

/s/ James P. Whalen
JAMES P. WHALEN
TEXAS BAR CARD NO. 00794837
RYNE T. SANDEL
TEXAS BAR CARD NO. 24081689
9300 John Hickman Parkway, Suite 501
Frisco, Texas 75035
Telephone: (214) 368-2560
Facsimile: (972) 829-8654
jwhalen@whalenlawoffice.com
rsandel@whalenlawoffice.com

COUNSEL FOR DEFENDANT
SAID AZZAM MOHAMAD RAHIM

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing motion was delivered to Errin Martin, the Assistant United States Attorney in charge of this case, via CM/ECF, on this the 23rd day of April 2019.

/s/ James P. Whalen
JAMES P. WHALEN